

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

CERTIFIED COPY

December 22, 2023

*Before:*

**Thomas L. Kirsch II, Circuit Judge**  
**John Z. Lee, Circuit Judge**  
**Doris L. Pryor, Circuit Judge**

A True Copy

Teste:

  
Clerk of the Court  
Deputy Clerk  
of the United States  
Court of Appeals for the  
Seventh Circuit

No. 23-2911

JOEY D. KIMBROUGH,  
*Plaintiff - Appellant,*

v.

Appeal from the United  
States District Court for  
the Southern District of Indiana,  
Indianapolis Division.

AMERICAN EXPRESS COMPANY, also  
known as AMERICAN EXPRESS  
NATIONAL BANK,  
*Defendant - Appellee.*

No. 1:22-cv-01993-TWP-MJD

Mark J. Dinsmore,  
*Magistrate Judge.*

## ORDER

On consideration of the papers filed in this appeal and review of the short record,

IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction.

Generally, an appeal may not be taken in a civil case until a final judgment disposing of all claims against all parties is entered on the district court's civil docket pursuant to Fed. R. Civ. P. 58. *See Alonzi v. Budget Construction Co.*, 55 F.3d 331, 333 (7th Cir. 1995); *Cleaver v. Elias*, 852 F.2d 266 (7th Cir. 1988).

In this appeal, Joey D. Kimbrough seeks to challenge an order that denied plaintiff-appellant Kimbrough's motion for sanctions (Dkt. 28) and motion for a continuance (Dkt. 47). As noted in the court order issued in Appeal No. 23-2912, this case is not an end; it has been stayed pending the completion of arbitration. An appeal is prohibited in such a case. *See Moglia v. Pacific Employers Inc. Co. of North America*, 547 F.3d 835, 837 (7th Cir. 2008).

Moreover, this court cannot review the ruling of a magistrate judge absent consent of all the parties. *Jaquez v. United States*, 36 F.4th 725 (7th Cir. 2022). Such consent is absent from this case.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen  
United States Courthouse  
Room 2722 - 219 S. Dearborn Street  
Chicago, Illinois 60604



Office of the Clerk  
Phone: (312) 435-5850  
www.ca7.uscourts.gov

NOTICE OF ISSUANCE OF MANDATE

January 17, 2024

To: Roger A. G. Sharpe  
UNITED STATES DISTRICT COURT  
Southern District of Indiana  
United States Courthouse  
Indianapolis, IN 46204-0000

|                                                                                                                                      |                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No. 23-2911                                                                                                                          | JOEY D. KIMBROUGH,<br>Plaintiff - Appellant<br><br>v.<br><br>AMERICAN EXPRESS COMPANY, also known as AMERICAN<br>EXPRESS NATIONAL BANK,<br>Defendant - Appellee |
| <b>Originating Case Information:</b>                                                                                                 |                                                                                                                                                                 |
| District Court No: 1:22-cv-01993-TWP-MJD<br>Southern District of Indiana, Indianapolis Division<br>Magistrate Judge Mark J. Dinsmore |                                                                                                                                                                 |

Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate.

RECORD ON APPEAL STATUS:

No record to be returned